

Comments to the National Organic Standards Board
Presented by James A. Riddle
On behalf of the Organic Trade Association (OTA)
June 6, 2000

The Organic Trade Association is the membership-based business association representing all sectors of the organic industry throughout North America. OTA's mission is to encourage global sustainability through promoting and protecting the growth of diverse organic trade.

OTA's comments were developed through the work of its Quality Assurance Committee, (QAC), a standing committee of the OTA board. QAC and its 11 sub-committees consist of over 200 volunteers who discuss, evaluate, and make recommendations about OTA's positions regarding industry standards. QAC recommendations are brought to OTA's Board of Directors for discussion and approval. The comments of OTA on the USDA's re-proposed organic rule represent hundreds of hours of deliberation and discussion. Industry consensus of this kind is one of the strengths of OTA.

Key Points, identified with OTA comment # and Proposed Rule section #

OTA recommends additions and changes to the definitions proposed by USDA:

- 1. (Section 205.2) Agricultural product:** Fiber crop products have been omitted from USDA's definition. OTA asks that the definition include any agricultural commodity or product, whether raw or processed, including any commodity or product derived from livestock that is marketed in the United States for human or livestock use or consumption.
- 4. (Section 205.2) Apiculture:** OTA recommends inclusion of the following new definition, "*Apiculture*. The care and management of bees and the harvesting of bee products." OTA further recommends inclusion of apiculture standards, as proposed in comment # 63.
- 8. (Section 205.2) Compost:** OTA requests that the definition be shortened because it is unrealistic and inappropriate to link the definition of "compost" to Natural Resources Conservation Service practice standard 317, as stated in the proposed rule.
- 11. (Section 205.2) Excluded methods:** OTA requests changing the definition of excluded methods to be consistent with National Organic Standards Board recommendations and to add somatic cell cloning. The definition also needs to cover products and derivatives of genetically modified organisms, and to clearly prohibit the use of all excluded methods.
- 14. (Section 205.2) Ionizing radiation (irradiation):** OTA endorses a prohibition on the irradiation of organic food, and recommends that a clear definition of "ionizing radiation" be included in the final rule.
- 21. (Section 205.2, 205.239(2)) Pasture:** OTA recommends that a definition for "pasture" be included, particularly since access to pasture is a requirement for ruminants.

25. (Section 205.2) Sewage sludge: The definition of “sewage sludge” needs to be amended to include, rather than exclude, the use of sewage sludge ash.

OTA also asks the NOSB to endorse the following terms, as defined the OTA comments:

3. Annotation; 6. Certificate; 8. Contamination; 10. Contract; 16. Management; 17. Mulch; 18. Nonagricultural substance; 19. Organic integrity; 20. Organically grown seed; 24. Quality system; 27. Organic agriculture; 28. Split operation; 30. Transition; and 32. Transitional product.

69. (Section 205.300) OTA requests that the definition of organic be expanded to cover the terms “ecological,” and “biologic” and their derivatives. These terms are commonly used outside the United States in lieu of “organic.”

46, 48, 49, and 63. OTA supports specialty crop provisions. OTA adds honey (**Section 205.240**), sprout (**Section 205.204(a)**), wild crop (**Section 205.207**), greenhouse, mushroom, and maple syrup standards (**Sections 205.208-205.235**) to the proposed rule. These specialty products have particular challenges not addressed adequately in the proposed regulations.

OTA has comments about livestock production:

51. (205.236(a)(2)) OTA recommends inclusion of a new herd conversion clause to simplify the transition period for dairy herds to encourage small farms to convert to organic methods.

64. (Section 205.239(a)(1)) OTA requests clarification that access to fresh air means outdoors. The NOSB recommended that livestock farms be based on a system incorporating access to the outdoors and direct sunlight.

67. (Section 205.290(a)(4)) OTA requests provisions for emergency variance from organic feed requirements, as recommended by the NOSB.

OTA makes suggestions concerning labeling:

72, 73, and 74. (Section 205.301(b)) OTA requests requiring the use of organic ingredients whenever commercially available in the “organic” and “made with organic ingredients” categories, consistent with NOSB recommendations.

80. (Section 205.304(a)(1)(i)) OTA requests that the “made with organic ingredients” category be allowed to group together like items, such as “made with organic vegetables.”

90 and 91. OTA requests support for small businesses engaging in organic production or services. OTA’s comments on **Section 205.501(a)(11)(i) and (ii)** ask for a conflict of interest policy enabling membership-based certification organizations to continue operating.

OTA comments on program administration:

35a and 35b. (Section 205.101(a)(2)) OTA recommends that retailers who process organic food be required to be certified, as stated in OFPA and recommended by the NOSB. OTA further recommends that retailers who commission private label products must be certified.

38 and 114. (Section 205.101) OTA requests the establishment of a simple, cost-effective registration system for operations exempt and/or excluded from certification.

44. (Section 205.203(d)(2)) OTA requests that all National Organic Standards Board annotations be included on the National List of allowed synthetics and prohibited naturals.

103. (Section 205.600) OTA recommends that NOSB criteria for evaluating materials be included in the final rule.

82. (Section 205.310) OTA requests changing the wording on the USDA seal to comply with international requirements. OTA recommends "Certified Organic USDA Approved."

83 and 86. (Section 205.404(b)(2)) OTA recommends that documents verifying organic status include an annual date of certification renewal.

88. (Section 205.500(c)(3)) OTA recommends that the final rule contain provisions under which the USDA may negotiate equivalency agreements with private accreditation bodies, as recommended by the NOSB.

95. (Section 205.501(a)(12)) OTA supports requiring certifying agents to accept the certification decisions of all other USDA-accredited certifiers. This in no way conflicts with certifying agents' abilities and rights to control their own licensed trademarks, logos, and seals, and to set contract specifications for use of those licensed trademarks, logos, and seals.

In general comments, OTA:

1) requests that farmers who are currently certified organic not be penalized for having used materials that are not allowed in the final regulations, provided those materials were allowed by the certification agency at the time the farm was certified. Those farmers should not have to begin the three-year transition period again;

2) requests that national organic program manuals be reviewed by the NOSB and posted for public comment;

3) calls for the review of additional materials for use in organic production and handling prior to implementation of the final rule; and

4) calls for mandatory labeling of all products of "excluded methods."

For details and additional issues, please see OTA's comments at <ota.com>. Email: info@ota.com
Organic Trade Association, PO Box 547, Greenfield, MA 01302. Ph: 413/774-7511